

Appl. No.: 09/675,533
Amdt. dated April 13, 2004
Reply to Office action of January 21, 2004

REMARKS/ARGUMENTS

Applicant received the Office Action dated January 21, 2004, in which the Examiner: (1) rejected claims 24-25 under 35 U.S.C. § 112, second paragraph; (2) rejected claims 1-27 under § 103 over Hamalainen in view of Lindroth. In this Response, Applicant amends claims 1, 24, and 25. Based on the arguments and amendments contained herein, Applicant believes all pending claims to be in condition for allowance.

I. THE SECTION 112, SECOND PARAGRAPH, REJECTIONS

The Examiner rejected claim 24 for lacking antecedent basis for the term "preferred" power level and claim 25 for depending on itself. Applicant amends claim 24 by replacing the term "preferred" power level with the term "determined minimum" power level. Applicant also amends claim 25 to depend on claim 24. These amendments merely correct several inadvertent errors and do not narrow the scope of the claims in any way.

II. THE SECTION 103 REJECTIONS

Hamalainen is directed to an adaptive radio link usable in a cellular telephone system. The Examiner continues to focus on a passage from column 12 of Hamalainen which states:

In connection with the bearer setup, the mobile station requests, according to the method illustrated in FIG. 5, a given initial power on the basis of the power by which it detects the general control channel regularly transmitted by the base station. This request is represented by block 501. In block 502, the base station permits the mobile station to start transmission 503 with a given initial power, the magnitude of which is defined by the power level requested by the mobile station, the highest allowed power level and the lowest allowed power level. Thereafter power adjusting is carried out on the basis of the power adjusting messages 504 or 505 regularly transmitted by the base station. In the power adjusting message, the base station commands the mobile station to reduce transmission power, if it has been detected that the received power in block 506 is higher than noise equivalent power for more than the target level, or to increase power level, if the difference of the received power and noise equivalent power is lower than the target level. The circulation in the loop formed by blocks 503, 504, 505 and 506 ends when the connection is ended (not illustrated in the drawing).

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Thus, Hamalainen discloses sending a request for a requested amount of power and awarding the requested amount of power as long as the requested power level is between highest and lowest power thresholds. The requested amount of power is based on the power by which a mobile station detects the general control channel regularly transmitted by the base station. Hamalainen does not discuss the use of training packets.

Lindroth also is directed to a cellular telephone system and to regulating transmission power in a cellular system. Figure 2 of Lindroth appears to be informative of Lindroth's transmission power regulation. In Figure 2, the power regulation process repeatedly analyzes the power level of received voice signals and determines whether to change the transmission power for the next transmission on that basis. As in Hamalainen, Lindroth does not discuss the use of training packets.

Pending independent claim 1 is directed to an adaptive power control method in a computer network. As amended, claim 1 requires, among other features, "when no communications are present on the transmission media, sending a training packet from a transmission node of the network to a receiving node." The Examiner states that Hamalainen teaches sending a training packet at col. 12, lines 40-41 which provides "[i]n block 502, the base station permits the mobile station to start transmission 503 with a given initial power...." Hamalainen does not teach or suggest the use of a "training packet," and Applicant is at a loss to understand why the Examiner believes the passage from Hamalainen quoted above teaches a training packet. Clarification is requested.

At any rate, claim 1 has been amended to further describe the nature of the training packet. As claimed, the training packets are those packets that are sent "when no communications are present on the transmission media." Neither Hamalainen nor Lindroth disclose a training packet much less a training packet that is sent "when no communications are present on the transmission media." Further, Hamalainen and Lindroth relate to mobile telephone systems. In such a system, multiple mobile phones frequently send and receive communications simultaneously from nearby base stations. Thus, sending training packets when

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no communications are otherwise present on the transmission media would not be in character with the operation of a cellular telephone network. At least for this reason, claim 1 and its dependent claims are allowable over the art of record.

When addressing the claims that depend from claim 1 (i.e., claims 2-9), the Examiner failed to establish a prima facie case of obviousness. The Examiner simply stated that:

As stated above, Hamalainen and Lindroth teach the invention substantially as set forth in claims 1 and 24. At the time of the invention, one of ordinary skill in the art would have readily recognized that Hamalainen and Lindroth may obviously also teach the method steps of claims 1 and 24 as set forth in claims 2-9 and 25. As such, claims 2-9 and 25 are rejected under the same rationale with respect to claims 1 and 24.

Office Action, page 4. The Examiner has not addressed the specific limitations of any of the dependent claims, has not identified where in the art of record the claimed limitations can be found, and thus has failed to establish a prima facie case of obviousness. See MPEP § 2142.

Furthermore, at least some dependent claims are patentable apart from patentability of their independent claims. Claim 2, for example, requires "performing collision detection at the transmission node and waiting until there are no communications on the transmission media of the network before sending the training packet." The Applicant does not find that Hamalainen or Lindroth discloses performing collision detection and waiting until there are no communications before sending a training packet. Applicant requests clarification to the extent that the Examiner believes the art of record discloses this feature.

Independent claim 10 requires, among other features, receiver control logic that, "based on a predetermined power level at which a training packet is transmitted to the receiving node, the receiver control logic determines the preferred power level." As explained above, none of the art of record teaches or suggest the use of training packets. At least for this reason, claim 10 is patentable as are all claims that depend from claim 10.

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Independent claims 20, 24, and 26 also refer to the use of a "training packet" and as such are patentable over the art of record as explained above. All claims that depend from Independent claims 20, 24, and 26 are patentable at least for the same reason as their independent claims.

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If any fees or time extensions are inadvertently omitted or if any fees have been overpaid, please appropriately charge or credit those fees to Hewlett-Packard Company Deposit Account Number 08-2025 and enter any time extension(s) necessary to prevent this case from being abandoned.

Respectfully submitted,



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